



JUL 13 1965

JOHN F. DAVIS, CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1964

NO. 256.

BILLIE SOL ESTES,

Petitioner

v.

THE STATE OF TEXAS,

Respondent

On Petition for Writ of Certiorari to the Court of
Criminal Appeals of Texas

**MOTION FOR PERMISSION TO
FILE PETITION FOR REHEARING**

WAGGONER CARR

Attorney General of Texas

HAWTHORNE PHILLIPS

First Assistant Attorney General

T. B. WRIGHT

Executive Assistant Attorney General

GILBERT J. PENA

Assistant Attorney General

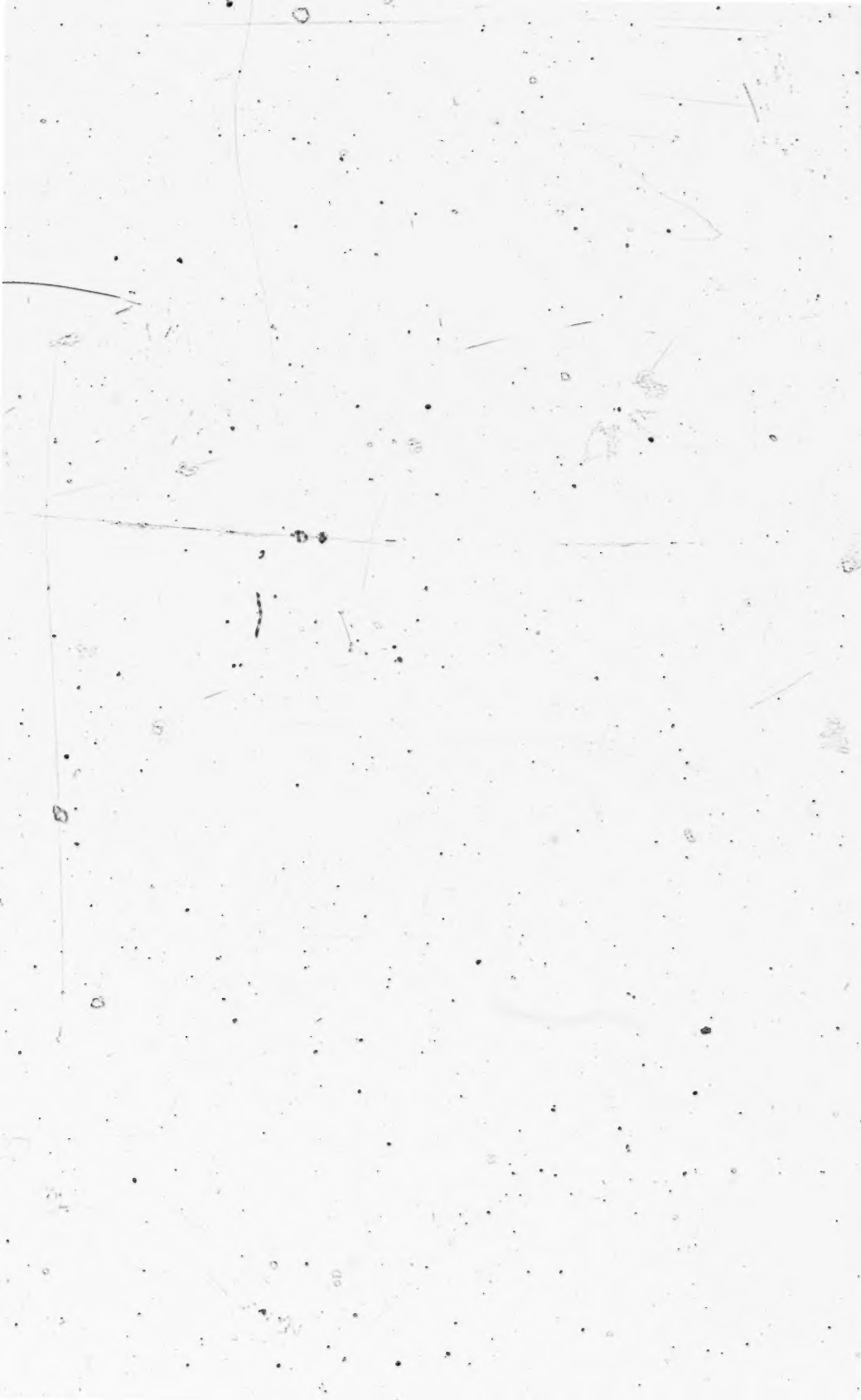
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Box R, Capitol Station

Austin 11, Texas



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**TO THE HONORABLE SUPREME COURT OF
THE UNITED STATES:**

Comes now The State of Texas and files this its Motion for Permission to File a PETITION FOR REHEARING in the above styled and numbered cause. This Motion is filed under the provisions of Paragraph 1, Rule 58, of the Revised Rules of the Supreme Court of the United States, which provides that the time for filing a motion for rehearing may be enlarged by the Court or a Justice thereof.

Movant herein would show the Court that the PETITION FOR REHEARING was prepared in a time-

ly manner for presentation to the Court on or before July 2, 1965. The PETITION FOR REHEARING was placed in the United States Mail on July 1, 1965. Due to clerical inadvertance it was sent by ordinary mail and, therefore, did not arrive at the Office of the Clerk of the Supreme Court of the United States within the time allowed for filing. Movant verily believes that if the PETITION FOR REHEARING had been transmitted by United States Postal Service, Air Mail, Special Delivery, as was intended, that same would have arrived to be filed in a timely manner.

WHEREFORE, premises considered, The State of Texas moves this Honorable Supreme Court to grant permission for the filing of Respondent's PETITION FOR REHEARING the same as if such PETITION had arrived at the Office of the Clerk of the Supreme Court of the United States on July 2, 1965.

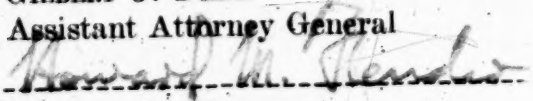
Respectfully submitted,

WAGGONER CARR
Attorney General of Texas

HAWTHORNE PHILLIPS
First Assistant Attorney General

T. B. WRIGHT
Executive Assistant Attorney General

GILBERT J. PENA
Assistant Attorney General


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Assistant Attorney General

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Box R, Capitol Station
Austin 11, Texas

AFFIDAVIT


I, Howard M. Fendér, Assistant Attorney General of Texas, one of the attorneys for movant herein and a member of the Bar of the Supreme Court of the United States, hereby certify that I have prepared the foregoing and have read same over and that the facts recited therein are true and correct.



HOWARD M. FENDER

CERTIFICATE OF SERVICE

I, Howard M. Fender, Assistant Attorney General of Texas, one of the attorneys for the movant herein and a member of the Bar of the Supreme Court of the United States, hereby certify that on the ~~12th~~ day of July, 1965, I served copies of the foregoing Motion for Leave to File Petition for Rehearing on the Honorable John D. Cofer, one of the attorneys for the Petitioner, Billie Sol Estes, by mailing a copy in a duly addressed envelope with first class postage prepaid, addressed to John D. Cofer, Cofer, Cofer & Hearne, Capital National Bank Building, Austin, Texas.



HOWARD M. FENDER